

REMARKS/ARGUMENTS

The Office Action mailed December 14, 2004 has been carefully considered.

Reconsideration in view of the following remarks is respectfully requested.

Applicants gratefully acknowledge the indication of allowability of claims 23 and 34, subject to their re-writing in independent form. Claims 47 and 48 represent claims 23 and 34 rewritten in independent form to include the limitations of independent claims 1 and 25 respectively, and thus are in condition for allowance.

Additionally, claims 1, 25 and 36 have been amended to further particularly point out and distinctly claim subject matter regarded as the invention. Support for these changes may be found in the specification, page 9, paragraph 19. The text of claims 2-24, 26-35 and 37-46 is unchanged, but their meaning is changed because they depend from amended claims.

New claims 47 and 48 also particularly point out and distinctly claim subject matter regarded as the invention.

With this amendment it is respectfully submitted the claims satisfy the statutory requirements.

The 35 U.S.C. § 102 Rejection

Claims 1-4, 6-17, 19-21, 24-29, 31-33, 35-40 and 42-46 were rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Bouhenguel et al.¹ This rejection is respectfully traversed.

According to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102(a), (b) and (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.²

Bouhenguel does not teach or suggest "a comparator subsystem in operative electrical communication with said analyzer subsystem, said comparator adapted to receive and to compare said analyzer output with a predetermined reference source so as to detect an AC-signal disruption and determine if AC-signal disruption is caused by the DC current" according to claim 1 as amended.

Bouhenguel teaches a system that automatically tests a relay. It generates a test signal and then analyzes the results by comparing them to reference data stored in a memory. It uses this comparison to determine whether an error has occurred, and if so, individually tests the individual components in the system to determine which component has caused the problem. This process is described in Boughenguel in col. 7, lines 38-50.

¹ U.S. Patent 5,742,513

² Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

There is no evidence in Bouhenguel that there is any ability or desire to determine if an AC-signal disruption is caused by a DC current. Additionally, even if there was the ability or desire to determine if an AC-signal disruption is caused by a DC current, Bouhenguel's component analysis procedure utilizes the reference data in making its determination of which component has caused the disruption. All evidence in Bouhenguel suggests that the component analysis procedure merely involves the isolation of the relay system and the systematic testing of all individual components within the relay system, and the only reason the reference data is utilized is to determine if a problem exists in the first place, not for determining which component is at fault. As such, Applicant respectfully maintains that claim 1 as amended is in condition for allowance.

Independent claims 25 and 36 contain elements similar to that of claim 1, and thus Applicant respectfully maintains that these are also in condition for allowance.

As to dependent claims 2-4, 6-17, 19-21, 24-29, 31-33, 35, 37-40, and 42-46, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

The First 35 U.S.C. § 103 Rejection

Claims 5 and 18 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bouhenguel et al. in view of Chang et al.³. This rejection is respectfully traversed.

³ U.S. Patent 5,991,885

As to claims 5 and 18, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

The Second 35 U.S.C. § 103 Rejection

Claim 22 was rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bouhenguel et al. in view of Spencer et al.⁴. This rejection is respectfully traversed.

As to claim 22, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

The Third 35 U.S.C. § 103 Rejection

Claims 23, 30 and 41 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bouhenguel et al.. This rejection is respectfully traversed.

Applicant is confused by the rejection of claim 23 in this paragraph despite the earlier indication that claim 23 is allowable if rewritten in independent form. Nevertheless, claim 23 is dependent upon allowance claim 1. As to this claim and claims 30 and 41, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

⁴ U.S. Patent 6,233,128

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,

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Dated: _____

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